

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

P.S. – A & C Dept., – APAT – Disciplinary action initiated against Sri Ch. Somaiah, DDA (Retd) O/o. JDA, Sangareddy Medak district u/r 20 of A.P.C.S. (CC&A) Rules, 1991 – Inquiry Conducted – Show cause Notice Issued – Final orders – Issued.

AGRICULTURE & COOPERATION (VIG.I) DEPARTMENT

G.O.Ms.No. 304

Dated:20.12.2011

Read the following:

- 1) From the C&DA, Hyd Lr.No. Vig.III(3)233/05, dated 17-3-2006 & 26-4-2006.
- 2) G.O.Rt.No: 488, Agrl. & Coopn. (vig.I) Dept, Dated: 15.5.2006.
- 3) From Sri Ch.Somaiah, DDA (Agro), O/o. JDA, Medak repn., dt. 16-6-2006.
- 4) G.O.Rt.No: 810, Agrl. & Coopn. (vig.I) Dept, Dated: 11-8-2006.
- 5) From the C&DA, Hyd Lrs.No. Vig.III(3)233/05, dated 12-10-2006 & 9-3-2007.
- 6) Govt.Memo.No.4100/Vig.I(2)/2006-4, A&C (Vig.I) Dept., dated 20-3-2007.
- 7) From the C&DA, Hyd Lr.No. Vig.III(3)233/05, dated 18-4-2007.
- 8) G.O.Rt.No: 104, A&C (Vig.I) Dept., Dated: 25.5.2007.
- 9) Orders of the Hon'ble APAT, Hyd dated 5-10-2007 in O.A.No. 3018/2007 filed by Sri Ch.Somaiah, DDA (Retd).
- 10) Govt.Memo.No. 4100/Vig.I(2)/2006-6, dated 13-3-2008 of A&C (Vig.I) Dept.,.
- 11) From the Addl. Director of Agriculture / I.O., O/o. C&DA, Hyd. dated 21-07-2009.
- 12) Govt.Memo.No.4100/Vig.I-2/2006-12, dated 16-11-2009 of A&C (Vig.I) Dept.,.
- 13) Govt.Memo. No. 4100/Vig.I-2/2006-16, dated 22-2-2010 of A&C (Vig.I) Dept.,.
- 14) Govt.Memo.No.4100/Vig.I-2/2006-18, A&C (Vig.I) Dept., Dated:19-03-2010.
- 15) Govt.Memo.No.4100/Vig.I-2/2006-20, A&C (Vig.I) Dept., Dated:19-03-2010.
- 16) From the C&DA, Hyd Lr.No.A/2836/2005, dated 23-12-2010.
- 17) Govt.Memo.No.4100/Vig.I-2/2006-19, A&C (Vig.I) Dept., Dated: 27-01-2011.
- 18) From the Secretary, APPSC, Lr.No.769/RT-I/1/2010, dated 2-8-2011.

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ORDER:

In the reference 1st read above, it was brought to the notice of the Government by the Commissioner & Director of Agriculture, Hyderabad that Sri Ch. Somaiah, the then Dy. Director of Agriculture, Sangareddy (Now retired) has irregularly made a false and un-authorized entry of his date of birth in the Service Register as 1952 instead of 1942 and requested to take disciplinary action against him for that lapse. Government after examining the matter, has framed charge against Sri Ch. Somaiah, the then DDA, Sangareddy u/r 20 of APCS (CCA) Rules, 1991 vide reference 2nd read above.

2. In the reference 3rd read above, the Charged Officer, has submitted his explanation and stated that he had completed his B.Sc., in 1974, and that he lost his original certificates during his shifting from one place to another place on transfer, and that the charges have been framed based on a anonymous petition and requested to drop further action against him. After examining the matter Government have dropped further action against him vide reference 4th read above.

3. The Commissioner & Director of Agriculture, Hyderabad in the references 5th read above, has reported that as seen from the appointment orders and service regularization orders of the Charged Officer and the Annual Confidential Reports of the individual, his date of birth was shown as 1.10.1942 only till 1989 and thereafter from 1989 to till 2004 that was changed to 1.10.1952 while informing the above, he has requested the Government to re-examine the case and take further action. Accordingly, the dropping orders were kept under abeyance vide reference 6th read above.

4. In the reference 7th read above, the Commissioner & Director of Agriculture, Hyderabad, has further informed that the ANGRAU, Hyderabad while enclosing a copy of marks transcripts of B.Sc (Agi) the date of birth of Sri Ch. Somaiah, DDA, Medak at Sangareddy (Now retired) is 1st October, 1942. In the ref. 8th read above, considering the facts of the case with reference to the report of the Commissioner & Director of Agriculture, Hyderabad Govt. have issued retirement orders w.e.f. 25.5.2007 to the Charged Officer without prejudice to the disciplinary case pending against him, if any and also subject to recovery of Govt dues outstanding if any from his terminal benefits since the individual is continued in public service beyond the due date.

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5. Aggrieved by the retirement orders, the Charged Officer, has approached the Hon'ble Tribunal through O.A.No: 3018/2007 and the Hon'ble Tribunal in its orders dated 5-10-2002 has dismissed the O.A.. Accordingly, Government in the reference 10th read above, has appointed Sri. D.Rushendranath, Addl. Director of Agriculture, office of the Commissioner & Director of Agriculture, Hyderabad as Inquiry Officer to conduct inquiry into the charge framed against Sri Ch.Somaiah, DDA (Retd) O/o. the JDA, Medak at Sangareddy.

6. The Inquiry Officer in the reference 11th read above, has furnished his Inquiry report. wherein he has reported that he was conducted exparte inquiry against the Charged Officer, as the Charged Officer has not responded to the notices issued to him even though giving suitable opportunity and concluded his findings that basing on the material available on records, with reference to the charge framed against the Charged Officer is held as proved.

7. After careful examination of the matter, Govt. have accepted the above Inquiry Report and a copy of Inquiry Report was communicated to the Charged Officer with a direction to submit his representation, if any, on the findings of the Inquiry Report vide reference 12th read above and also reminded him vide reference 13th read above. The Charged Officer acknowledge the receipt of the both notices on 7-1-2010 and 22-3-2010, but he was not submitted his written representation if any even after giving reasonable opportunity to him.

8. Government after careful examination of the matter with reference to the material available on record and Inquiry Report have provisionally decided to impose a penalty of 100% cut in pension and recovery of the amounts drawn in the shape of salary from the Charged Officer as the case involves breach of trust and tampering of the records u/r 9 of A.P. Revised Pension Rules, 1980 besides launching a criminal action. Accordingly, the Charged Officer was directed to show cause why the said penalty should not be imposed against him within 15 days from the date of receipt of the memo. vide reference 14th read above. The Commissioner & Director of Agriculture, Hyderabad, was also requested to launch a criminal prosecution against the Charged Officer, in the matter and report compliance vide reference 15th read above. The Charged Officer, was refused to receive the SCN from the postal authorities.

9. Thereafter as per the instructions of the Government, the Commissioner & Director of Agriculture, Hyderabad, has reported that the SCN issued against the Charged Officer was affixed on the door of the residence of the Charged Officer, on 22-12-2010, as he was refused to take Government order, the photograph also taken as proof. The Charged Officer, was again reminded for his explanation if any to the SCN, vide reference 17th read above. After giving a reasonable opportunity, the Charged Officer has not responded for submission of his explanation to the SCN.

10. Government after careful examination of the entire matter, and after obtaining the concurrence of the APPSC, vide reference 18th read above, have decided and hereby ordered to impose a penalty of 100% cut in pension under Rule 9 of A.P.R.P. Rules, 1980, besides recovery of the amounts drawn as salary beyond the date of original retirement against Sri Ch. Somaiah, Dy. Director of Agriculture (Retd).

11. The Commissioner & Director of Agriculture, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT**

To
Sri Ch. Somaiah, DDA (Retd), H.No.11-12-150, Flat No. 304,
Soukarya Home's Road No.3, S.R.K.Puram, Near Kothapet,
Hyderabad – 500 035, (through C&DA., Hyderabad.)

Copy to:

The Commissioner & Director of Agriculture, A.P. Hyderabad (2 copies)
-with a request to serve the original on the Charged Officer and
furnish the served copy with dated acknowledgement.

The Secretary, APPSC, M.J. Road, Hyderabad for information.
SC/SF.

// FORWARDED BY ORDER //

SECTION OFFICER